

Highways and Motor Traffic, to whom was referred

S. B. No. 530, A bill to be entitled "An Act to assist in the prevention of the theft of Motor vehicles in Texas; etc."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 19, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 497, A bill to be entitled "An Act amending Article 1723 of the Revised Statutes of 1925, providing for the appointment of the Supreme Court of stenographers for that Court and fixing their salaries; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

HOLBROOK, Chairman.

By Cunningham. S. B. No. 497.

#### A BILL

#### To Be Entitled

An Act amending Article 1723 of of the Revised Statutes of 1925, providing for the appointment by the Supreme Court of stenographers for that court, and fixing their salaries; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 1723 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

Article 1723. Court Stenographers and Salaries.—The Supreme Court may appoint one stenographer for each member of the Court, at a salary to be fixed by the Court, not exceeding two hundred dollars per month, and may appoint a bailiff to attend the sitting of the Court.

Sec. 2. The fact that the present laws inadequately provide for compensation of stenographers for the Supreme Court Justices, said stenographers being called upon to act also as law clerks, creates an emergency and an imperative public necessity that the consti-

tutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended and it is so enacted.

#### THIRTY-THIRD DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, February 20, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Berkeley:

S. B. No. 563, A bill to be entitled "An Act to amend Section 34, 41, 65, (so noted in the Revised Civil Statutes of Texas), Article 199 of Title 8 of the Revised Civil Statutes of Texas, changing the time of holding the terms of the District Courts of the Thirty-fourth Judicial District of

Texas and permitting the continuing of the terms of court in Hudspeth and Culberson counties by the court, and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Judicial Districts.

By Senator Thomason:

S. B. No. 564, A bill to be entitled "An Act to protect the rights of the public to fishing and hunting and for park purposes in the waters of Caddo Lake and lands adjacent thereto, withdrawing such lands from sale and preserving it for fish and game for State park purposes as may be hereafter provided; providing that such land may be leased for mineral purposes in accordance with the law, but not otherwise sold."

Read first time and referred to Committee on State Affairs.

By Senator DeBerry:

S. B. No. 565, A bill to be entitled "An Act amending Article 22 of the Code of Criminal Procedure of 1925 so as to provide certain exceptions to the rule that the defendant upon trial in a criminal case shall be confronted with the witness, witnesses; etc., and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator DeBerry:

S. B. No. 566, A bill to be entitled "An Act amending Article 616 of the Code of Criminal Procedure of 1925 by adding thereto Section 15, regulating the interrogation of jurors on a voir doir examination by the Attorney for the State or defendant in criminal cases; etc., and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator DeBerry:

S. B. No. 567, A bill to be entitled "An Act amending Article 666 of the Code of Criminal Procedure of 1925 so as to prevent the reversal of criminal cases by the Court of Criminal Appeals except for material errors injuring the defendant and denying him a fair and impartial trial causing an improper judgment and where the lower court abuses his discretion on overruling motion

for new trial; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator DeBerry:

S. B. No. 568, A bill to be entitled "An Act amending Article 543 of the Code of Criminal Procedure of 1925 by adding thereto a new section providing the rule in reference to continuance of cases where testimony of an absent witness previously taken can be reproduced in a certain manner and under certain conditions; providing for the reproduction of such testimony; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Gainer:

S. B. No. 569, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Washington county, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senators Patton, Thomason, Gainer, Greer, Small, Williamson, and Cousins:

S. B. No. 570, A bill to be entitled "An Act providing for the preservation of the Old San Antonio Road running through the State of Texas from Pendleton on the Sabine to Presidio in West Texas; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Patton:

S. B. No. 571, A bill to be entitled "An Act granting permission to W. S. Hale, a citizen of Leon county, Texas, to sue the State for damages to his land and growing crop of cotton thereon in the year 1928 in Leon county, Texas by reason of the improper construction and maintenance of a public roadway embankment adjoining his land on Farrier Highway No. 43 where said road crosses Keechi Creek bottom, a distance of 3,400 feet in said county."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 572, A bill to be entitled "An Act to authorize the Governor

to deposit certain funds held by him as Trustee for the National Guard of Texas with the State Treasurer, and authorizing the expenditure of such fund by the Adjutant General and authorizing the issuance of warrants against said fund, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

#### Simple Resolution No. 76.

Senator Love called up from the table Simple Resolution No. 76 and sent up the following amendment:

Amend by striking out "Wednesday, February 20," and inserting in lieu thereof "Thursday, February 21."

LOVE.

The amendment was read and adopted.

Senator Love withdrew the resolution as amended.

#### H. J. R. No. 7.

The Chair laid before the Senate on second reading the following resolution:

H. J. R. No. 7, Proposing an amendment to Section 5 of Article 4 of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas as required by the Constitution and making appropriation therefor.

The Committee amendment was adopted.

The resolution as amended passed to third reading.

#### House Bill No. 16.

The Chair laid before the Senate on second reading the following bill:

By Mr. Westbrook, Mr. Baldwin and Mr. Harman:

H. B. No. 16, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the blacklands region of Texas, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said board of directors to establish and maintain the same, to accept donations of land, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station, and for the operation of same, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 16 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Parr.	

Nays—2.

DeBerry. Hornsby.

Absent.

McFarlane.

Absent—Excused.

Neal.

#### House Bill No. 26.

The Chair laid before the Senate on second reading the following bill:

By Mr. Barnett:

H. B. No. 26. A bill to be entitled "An Act making it unlawful for the

fraudulent taking of cotton and cottonseed under the value of fifty (\$50.00) dollars; making the first offense a misdemeanor and the second and subsequent offenses a felony; and prescribing punishment therefor, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Martin the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 26 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed.

#### House Bill No. 75.

The Chair laid before the Senate on second reading the following bill:

By Mr. Prendergast:

H. B. No. 75, A bill to be entitled "An Act defining the jurisdiction of the Court of Civil Appeals, and to amend Article 1819 and 1824 of the Revised Civil Statutes of 1925."

The bill was read second time and passed to third reading.

#### House Bill No. 84.

The Chair laid before the Senate on second reading the following bill:

By Mr. Prendergast:

H. B. No. 84, A bill to be entitled "An Act forbidding drinking of intoxicating liquor on any common carrier, and to amend Article 478 of the Criminal Code."

The bill was read second time and passed to third reading.

#### House Bill No. 106.

The Chair laid before the Senate on second reading the following bill:

By Mr. Rountree, Mr. Stevenson, Mr. Metcalfe, Mr. King and Mr. White:

H. B. No. 106, A bill to be entitled "An Act amending Article 2104 of the Revised Civil Statutes of the State of Texas, as re-codified and adopted at the regular session of the Thirty-ninth Legislature, 1925, relating to the appointment of jury commissioners to select petit jurors."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 106 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.

Wirtz.  
Witt.

Woodul.  
Woodward.

Absent—Excused.

Neal.

#### House Bill No. 161.

The Chair laid before the Senate on second reading the following bill:

By Mr. Chastain, Mr. Gilbert and Mr. Loy:

H. B. No. 161, A bill to be entitled "An Act amending Article 591 of the Code of Criminal Procedure of the State of Texas, 1925, relating to the selection of special venire, so as to make said article apply in any county having a population of at least fifty-eight thousand or having therein a city containing a population of at least twenty thousand as shown by the preceding Federal census."

The committee report was adopted. The bill was read second time.

Senator Cunningham sent up the following amendments:

#### Amendment No. 1.

Amend H. B. No. 161 in Section 1 by striking out the words "fifty-eight thousand" wherever same appears, and inserting in lieu thereof the words "forty-three thousand five hundred."

Read and adopted.

#### Amendment No. 2.

Amend the caption to H. B. No. 161 by striking out the words "fifty-eight thousand" and inserting in lieu thereof the words "forty-three thousand five hundred."

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 161 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.

Berkeley.

Cousins.

Cunningham.

DeBerry.

Gainer.

Greer.

Hardin.

Holbrook.

Hornsby.

Hyer.

Love.

Martin.

McFarlane.

Miller.

Moore.

Parr.

Parrish.

Patton.

Pollard.

Russek.

Small.

Stevenson.

Thomason.

Westbrook.

Williamson.

Wirtz.

Witt.

Woodul.

Woodward.

Absent—Excused.

Neal.

Read third time.

Senator Martin moved that the bill lie on the table until tomorrow. The motion prevailed.

#### Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 29, Providing for the appointment of a joint committee from the House and Senate to make arrangements for the disposition of the original copy of the Declaration of Independence.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Committee Appointed.

The Chair announced the appointment of the following committee on part of Senate under S. C. R. No. 29: Woodward, Parrish, Love.

#### House Bill No. 248.

The Chair laid before the Senate on second reading the following bill:

By Mr. Gilbert, Mr. Chastain and Mr. Hardy:

H. B. No. 248, A bill to be entitled "An Act to amend Article 879h, Chapter 215, of the General and Special Laws of the State of Texas, passed by the Fortieth Legislature, and declaring an emergency."

Read second time.

Senator Stevenson sent up the following amendments:

#### Amendment No. 1.

Amend H. B. No. 248 by adding the counties of Victoria and Goliad thereto.

STEVENSON.

Read and adopted.

## Amendment No. 2.

Amend the caption to H. B. No. 248 by adding the counties of Victoria and Goliad thereto.

STEVENSON.

Read and adopted.

Senator Hardin sent up the following amendment:

## Amendment No. 3.

Amend H. B. No. 248 by adding the names of Erath County, Bosque County, and Hill County.

HARDIN.

Read and adopted.

Senator Russek sent up the following amendment:

## Amendment No. 4.

Amend H. B. No. 248 by adding the word "Waller" after the word "Hays."

RUSSEK.

Read and adopted.

Senator Hyer sent up the following amendment:

## Amendment No. 5.

Amend H. B. No. 248 by adding Tarrant County to the body and caption of the bill.

HYER.

Read and adopted.

Senator Holbrook sent up the following amendment:

## Amendment No. 6.

Amend H. B. No. 248 by striking out the words "Wharton," "Mata-gorda," and "Brazoria" wherever they occur in the bill.

HOLBROOK.

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No 161 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Hornsby.
Berkeley.	Hyer.
Cousins.	Love.
Cunningham.	Martin.
DeBerry.	McFarlane.
Gainer.	Miller.
Greer.	Moore.
Hardin.	Parr.
Holbrook.	Parrish.

Patton.	Westbrook.
Pollard.	Williamson.
Russek.	Wirtz.
Small.	Witt.
Stevenson.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed.

## House Bill No. 319.

The Chair laid before the Senate on second reading the following bill:

By Mr. Bradley:

H. B. No. 319, A bill to be entitled "An Act to amend Chapter 42 of the Acts of the Thirty-ninth Legislature passed at its Regular Session, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 319 was put on its third reading and final passage, by the following vote:

Yeas—30

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Martin.
Berkeley.	Love.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.

Stevenson.	Wirtz.
Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 340.**

The Chair laid before the Senate on second reading the following bill:  
By Mr. White:

H. B. No. 340, A bill to be entitled "An Act creating a more efficient road system for Hemphill county, Texas; providing that the county commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, etc.; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 340 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Berkeley.
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26—Jour.

Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 383.**

The Chair laid before the Senate on second reading the following bill:  
By Mr. Johnson of Scurry:

H. B. No. 383, A bill to be entitled "An Act creating a more efficient road system for Dickens county, Texas; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 383 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Hyer.
Berkeley.	Love.
Cousins.	Martin.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.
Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Witt.
Thomason.	Woodul.
Westbrook.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Parr.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 443.**

The Chair laid before the Senate on second reading the following bill:  
By Mr. Harper:

H. B. No. 443, A bill to be entitled "An Act to amend Chapter 86 of the Local and Special Laws enacted by the Thirty-fifth Legislature at its Regular Session in 1917, same being a special road law for Morris county, by adding thereto Section 21a, authorizing the commissioners court of Morris county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 443 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 473.**

The Chair laid before the Senate on second reading the following bill:  
By Mr. Young:

H. B. No. 473, A bill to be entitled "An Act making an appropriation to pay the mileage and per diem of the presidential electors of Texas for the year 1929."

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 473 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—29

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

## Nays— 1.

Hornsby.

Absent—Excused.

Neal.

## House Bill No. 506.

The Chair laid before the Senate on second reading the following bill:

By Mr. Minor:

H. B. No. 506, A bill to be entitled "An Act to amend Chapter 74 of the local and special laws enacted by the Thirty-ninth Legislature at its regular session, approved March 7, 1925, same being a special road law for Denton county, by adding thereto Section 19-A, authorizing the commissioners court of Denton county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceedings within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid."

The bill was read second time and passed to third reading.

On motion of Senator Miller the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 506 was put on its third reading and final passage, by the following vote:

## Yeas—30.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Parr.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

## House Bill No. 556.

The Chair laid before the Senate on second reading the following bill:

By Mr. Hopkins:

H. B. No. 556, A bill to be entitled "An Act amending Subdivision 25 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, providing for changing and prescribing terms and times of holding courts in the Twenty-fifth Judicial District of Texas."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Wirtz the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 556 was put on its third reading and final passage, by the following vote:

## Yeas—30.

Beck.	Berkeley.
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Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 584.**

The Chair laid before the Senate on second reading the following bill:

By Mr. Gilbert and Mr. Chastain:  
H. B. No. 584, A bill to be entitled  
"An Act validating all orders, judgments, and proceedings of the County Court of Law for Eastland county."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 584 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	Witt.
Parr.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 562.**

The Chair laid before the Senate on second reading the following bill:  
By Mr. Webb:

H. B. No. 562, A bill to be entitled  
"An Act creating a more efficient road system for Jeff Davis County, Texas; providing that the county commissioners shall be road commissioners of their respective precinct."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 562 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Berkeley.
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Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed  
by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 588.**

The Chair laid before the Senate  
on second reading the following bill:

By Mr. Thurmond:

H. B. No. 588, A bill to be entitled  
"An Act amending Subdivision 63 of  
Article 199, Title 8, Revised Civil  
Statutes of Texas of 1925, and pro-  
viding for an additional term of  
court for Val Verde County."

The bill was read second time and  
passed to third reading.

On motion of Senator Hornsby,  
the constitutional rule requiring  
bills to be read on three several days  
was suspended and H. B. No. 588  
was put on its third reading and  
final passage, by the following vote:

Yeas—30.

Beck.	Berkeley.
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Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed  
by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

**House Bill No. 624.**

The Chair laid before the Senate  
on second reading the following bill:

By Mr. Reid:

H. B. No. 624, A bill to be entitled  
"An Act to amend Chapter 39 of the  
local and special laws enacted by  
the Thirty-second Legislature at its  
regular session, convened on Jan-  
uary 10th, 1911, and adjourned on  
March 11, 1911, and approved on  
March 13th, 1911, the same being a  
special road law for Fisher county,  
Texas, by adding thereto Sections  
15 and 16, authorizing the commis-  
sioners court of Fisher county to is-  
sue bonds of said county for the pur-  
pose of funding indebtedness in-  
curred for road and bridge purposes  
and to levy a tax in payment there-  
of."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 624 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

#### House Bill No. 633.

The Chair laid before the Senate on second reading the following bill:

By Mr. O'Neill and Mr. Bateman:  
H. B. No. 633, A bill to be entitled "An Act to amend Section 7 of the Collin county road law, the same being Chapter 79 of the Acts of the first called session of the Fortieth Legislature; and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Small the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 633 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—30.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

#### Special Order Set.

Senator Woodward moved that S. B. No. 413 be made special order for Tuesday afternoon.

Senator McFarlane moved to table the motion. The motion to table was lost by the following vote:

## Yeas—11.

Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
McFarlane.	Thomason.
Miller.	Westbrook.
Parr.	

## Nays—14.

Berkeley.	Russek.
Cousins.	Small.
Hardin.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Woodul.
Love.	Woodward.

## Absent.

Beck.	Moore.
Gainer.	Witt.
Martin.	

## Absent—Excused.

Neal.

The motion to set S. B. No. 413 as special order prevailed by the following vote:

## Yeas—16.

Berkeley.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodul.
Parr.	Woodward.

## Nays—10.

Cousins.	Parrish.
Cunningham.	Miller.
DeBerry.	Thomason.
Gainer.	Pollard.
Greer.	McFarlane.

## Absent.

Beck.	Patton.
Moore.	Witt.

## Absent—Excused.

Neal.

## S. J. R. No. 3.

The Chair laid before the Senate on second reading the following resolution:

S. J. R. No. 3, Proposing to amend Section 5 of Article 4 of the Constitution of the State so as to provide that the Governor shall receive as compensation for his ser-

vices an annual salary of twelve thousand (\$12,000.00) dollars, and no more, and providing for an election upon such proposed amendment and making an appropriation therefor.

Senator Love sent up the following amendment:

Amend the Committee Amendment to S. J. R. No. 3 by adding thereto at the end of same the following:

"And those opposing the proposed amendment shall write or have printed on their ballots the words: 'Against the Amendment to the Constitution that the Governor shall be paid \$12,000.00 per year and no more.' "

LOVE.

The amendment was read and adopted.

The committee amendment as amended was adopted.

The bill as amended passed to engrossment.

## Recess.

On motion of Senator Pollard, the Senate, at 12:20 o'clock p. m., recessed until 2:00 o'clock p. m.

## After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

## Free Conference Report Withdrawn.

On motion of Senator Williamson the Free Conference Committee report on S. B. No. 49 was withdrawn.

## Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message: (concerning Penitentiaries, etc.)

## Senate Bill No. 415.

The Chair laid before the Senate as special order the following bill:

S. B. No. 415, A bill to be entitled "An Act providing for the centralization of the Texas Prison System increasing the duties, powers and functions of the Texas Prison Board; providing for the construction and building of adequate prison walls and houses upon the Darrington Farm in Brazoria County and

providing for the removal of prisoners from the present penitentiary to the new location and for the abandonment and sale of certain property now being occupied by the Prison at Huntsville and certain prison farms; providing that power shall be vested in the State Board of Control to buy supplies, products and manufactured articles from the State Prison System for the use of the State and its institutions; providing for the establishment of a prison reformatory within the Texas Prison System for young and short term prisoners; making an appropriation to be used in carrying out this Act, and declaring an emergency."

The bill was read second time.

Senator Holbrook moved to substitute for this bill the following:

S. B. No. 342, A bill to be entitled "An Act relating to the State Penitentiary and the State Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the re-organization of the prison system; making provision for the sale of the prison farms and the centralization of the Texas Prison System; providing for a Board for the valuation and sale of the present prison properties; and for a board for the selection of the location for the centralization of the system; providing for power in the State Board of Control to buy supplies, produce and manufactured articles from the State Prison System for use by the State; and providing for the establishment of a Prison Reformatory within the Texas Prison System for young short-term prisoners; making an appropriation to be used in carrying out this Act; and declaring an emergency."

Senator Hyer raised the point of no quorum. The roll call showed the following Senators present:

**Present—21.**

Berkeley.	Miller.
DeBerry.	Parr.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Woodward.
McFarlane.	

**Absent.**

Beck.	Russek.
Cousins.	Thomason.
Cunningham.	Witt.
Moore.	Woodul.
Parrish.	

**Absent—Excused.**

Neal.

Senator McFarlane raised the point of order that S. B. No. 342 could not be substituted because an identical bill had been killed in the House. The Chair overruled the point of order because the substitute bill referred to was offered as an amendment—not as a substitute—to the original and could be offered again as an amendment on third reading, in spite of its having been killed as an amendment prior to engrossment. Hence, the bill could not be considered definitely dead, and S. B. No. 342 could properly be substituted for the pending bill.

Senator Pollard moved that further consideration of the pending bill and the proposed substitutes be postponed until the House Bill on the same subject was reported to the Senate.

Senator Holbrook moved to table the motion. The motion to table was lost by the following vote:

**Yeas—7.**

Holbrook.	Stevenson.
Hyer.	Westbrook.
Love.	Woodward.
Moore.	

**Nays—16.**

Berkeley.	Parr.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hornsby.	Small.
Martin.	Thomason.
McFarlane.	Williamson.
Miller.	Wirtz.

**Absent.**

Beck.	Witt.
Cunningham.	Woodul.
Parrish.	

**Absent—Excused.**

Neal.

**(Pair Recorded.)**

Senator Hardin (present), who would vote yea with Senator Cousins (absent), who would vote no.

Senator Miller moved the previous question on the bill and the pending substitute. The motion was lost by the following vote:

## Yeas—11.

Berkeley.	Miller.
Gainer.	Russek.
Hornsby.	Small.
Hyer.	Williamson.
Love.	Woodward.
Martin.	

## Nays—15.

Cousins.	Parrish.
Cunningham.	Patton.
Greer.	Pollard.
Hardin.	Stevenson.
Holbrook.	Thomason.
McFarlane.	Westbrook.
Parr.	Wirtz.

## Present—Not Voting.

Beck.	DeBerry.
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## Absent.

Moore.	Woodul.
Witt.	

## Absent—Excused.

Neal.

The motion to lay S. B. Nos. 415, 342 and 410 on the table subject to call was lost by the following vote:

## Yeas—14.

Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Parr.
DeBerry.	Pollard.
Gainer.	Russek.
Hyer.	Williamson.
Martin.	Wirtz.

## Nays 15.

Beck.	Patton.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Woodul.
Moore.	Woodward.
Parrish.	

## Absent.

Witt.

## Absent—Excused.

Neal.

## Messages From the House.

The Chair recognized the Door-

keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 30, A bill to be entitled "An Act to repeal Article 28 of the Revised Civil Statutes of the State of Texas of 1925, relating to the publication in newspapers of legal notices and amending Article 3334 of the Revised Civil Statutes of the State of Texas of 1925, as amended by the Acts of the Fortieth Legislature of the State of Texas in Chapter 81 of the Session Laws thereof, so as to eliminate that portion of said article reading as follows, to wit: 'provided if publication of such citation be made as provided by Article 28, Revised Civil Statutes of 1925, such publication shall be sufficient service of citation without posting said notices,' and declaring an emergency."

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.  
Hall of the House of Representatives,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the free conference committee report on S. B. No. 49 and requests the appointment of a new conference committee to adjust the differences.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.  
Hall of the House of Representatives,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on S. B. No. 36 by a vote of 106 ayes and 2 nays.

The following have been appointed on the part of the House to consider further the differences between the two Houses on S. B. No. 49.

Sinks, Chairman, Dunlap, Finn, Reader, Coltrin.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 51, A bill to be entitled "An Act making it unlawful for the taking of any chicken, turkey, duck, goose, guinea or other domestic fowl; making such offense a felony; prescribing punishment therefor; and declaring an emergency."

With amendments.

S. B. No. 128, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools in this State, in all counties having an area of not more than one thousand seventy-five (1075) square miles and not less than nine hundred thirty (930) square miles, and a population of not less than thirty-four thousand three hundred, (34,300) and not more than thirty-four thousand five hundred, (34,500) according to the 1920 Federal Census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of Independent and Common School Districts, create additional districts, consolidate two or more adjacent districts; subdivide the districts; revise or rearrange the boundaries of any district; attach territory thereto or detached territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the county board of school trustees; providing other matters and things necessary and incidental to the main purpose and subject to this Act, whether mentioned in detail in this caption or not; and repealing all laws, general or special, in conflict therewith, and declaring an emergency."

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 248 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Gilbert, Mauritz, Woodall, Graves of Williamson, and Woodruff.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Free Conference Committee Appointed.

On motion of Senator Williamson, the Senate granted the request of the House for a new Free Conference Committee on S. B. No. 49. The Chair announced the appointment of the following members of the Committee on the part of the Senate:

Senators Williamson, Beck, Hardin, Berkeley and Hyer.

#### Free Conference Committee Appointed.

Senator Stevenson moved that the Senate grant the request of the House for a Free Conference Committee on H. B. No. 248. The motion prevailed.

The Chair appointed the following members of the Committee on the part of the Senate:

Senators Stevenson, Holbrook, Parr, Hyer, and Martin.

#### Motion to Concur.

On motion of Senator Hornsby, the Senate voted to concur in the House amendment to S. B. No. 51.

#### Recess.

Senator Woodward moved to recess until 7:30 o'clock p. m.

Senator Wirtz moved as a substitute that the Senate recess until 8:00 o'clock p. m., and that at that time the Senate consider only local and uncontested bills. The substitute motion prevailed by the following vote:

Yeas—28.

Beck.

Berkeley.

Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Woodul.
Moore.	Woodward.

Nay—1.

Greer.

Absent.

Witt.

Absent—Excused.

Neal.

At 5:20 o'clock p. m., the Senate recessed until 8:00 o'clock p. m.

#### After Recess.

The Senate met at 8:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

#### Messages from the House

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Senator Parr:

S. B. No. 57, A bill to be entitled "An Act to provide for increasing the territorial limits of any city of more than five thousand inhabitants which has adopted a charter under Home Rule Amendment, Article 11, Section 5, of the Constitution; providing for annexion of adjacent territory by a majority vote of the qualified voters of the city affected, and of the territory annexed; and providing for the adjustment upon a just and equitable basis of the bonded indebtedness against the territory annexed, has theretofore been included in any irrigation district or water improvement district or water control and improvement district under any of the provisions

of the General Laws or the Constitution, and carrying at the time each such adjacent territory is annexed to said city, bonded indebtedness or flat rates due, to the irrigation district, water improvement district or water control and improvement district, and repealing all laws general or special, in conflict herewith, and declaring an emergency."

With amendments.

By Senator Parrish:

S. B. No. 266, A bill to be entitled "An Act creating a more efficient road system for Dickens County, Texas; providing that the County Commissioners shall be Road Commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the Commissioners' Court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the Commissioners' Court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the County and partly by the State or Federal government; authorizing the Commissioners' Court of Dickens County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the Commissioners' Court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency.

With amendments.

By Senator Parrish:

S. B. No. 306, A bill to be entitled "An Act creating a special road law for Crosby County, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation and declaring an emergency."

With amendments.

By Senator Hardin:

S. B. No. 336, A bill to be entitled "An Act creating a more efficient road system for Bell County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; etc., and declaring an emergency."

With amendments.

By Senator Greer:

S. B. No. 414, A bill to be entitled "An Act creating a more efficient road system for Freestone County, Texas; providing that the County Commissioners shall be Road Commissioners of their respective precincts; providing that such Commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the Commissioners' Court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the Commissioners' Court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts, to be paid for partly by the county and partly by the State or Federal Government; authorizing the Commissioners' Court of Freestone County to issue bonds of said county for the purpose of funding or refunding indebtedness in the sum of \$53,431.59 incurred prior to January 1, 1921, and being balance of principal unpaid on those certain five issues of funding warrants issued by Commissioners' Court of Freestone County, Texas, against road and bridge fund of said county, for road and bridge purposes, and to levy a tax in payment thereof; and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the Commissioners' Court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; providing that this Act shall be cumulative of all other special road laws for

Freestone County, and declaring an emergency."

With amendments.

By Senator Thomason:

S. B. No. 483, A bill to be entitled "An Act creating a special road law for Cherokee County, Texas, requiring surety bonds of road overseers, containing provision that said County may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation, and declaring an emergency."

With amendments.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 20, Recalling S. B. No. 37 from the Governor's Office for further consideration.

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Point of no Quorum Raised.

Senator McFarlane raised the point of no quorum. The roll call showed the following present:

Beck.	Parr.
Berkeley.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Woodul.
McFarlane.	Woodward.
Moore.	

#### Absent.

Cousins.	Russek.
Cunningham.	Small.
Gainer.	Stevenson.
Hardin.	Wirtz.
Martin.	Witt.
Miller.	

#### Absent—Excused.

Neal.

Senator Pollard moved a call of the Senate for the purpose of obtaining and maintaining a quorum. The motion prevailed.

The Chair ordered the doors locked and instructed the Sergeant-at-Arms to allow no Senator to leave the room without a written permit.

Senators Gainer and Cousins completed the quorum.

#### Senate Bill No. 524.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 524, A bill to be entitled "An Act providing for neighborhood roads in Brewster County, Texas, under certain conditions and circumstances and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 524 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—21.

Beck.	Hornsby.
Berkeley.	Hyer.
Cousins.	Love.
DeBerry.	McFarlane.
Gainer.	Moore.
Greer.	Parr.
Holbrook.	Parrish.

Patton.	Williamson.
Pollard.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

#### Senate Bill No. 481.

The Chair laid before the Senate on second reading the following bill:

By Senators Beck and Moore:

S. B. No. 481, A bill to be entitled "An Act to accept the benefits and provisions of the Act of Congress authorizing the extension of Federal Aid for construction of toll bridges on the highways included in the Federal System, under certain conditions and limitations, 44 United States Statute 1398, approved March 3, 1929, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 481 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

## Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

## Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

## Absent—Excused.

Neal.

## Senate Bill No. 374.

The Chair laid before the Senate on second reading the following bill:  
By Senator Thomason:

S. B. No. 374, A bill to be entitled  
"An Act making it unlawful for any person to fish by means of a net in the Counties of Cherokee, Nacogdoches, San Augustine, Angelina, Sabine, Newton, Jasper, and Tyler; declaring the violation of the provisions of this Act shall be deemed a misdemeanor and providing a penalty and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 374 was put on its third reading and final passage, by the following vote:

## Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

## Absent.

Cunningham.	Miller.
Hardin.	Russek.
Martin.	Small.

Stevenson.
Wirtz.

Witt.

## Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

## Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Love.	Woodul.
Hyer.	Woodward.
McFarlane.	

## Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miner.	Witt.
Russek.	

## Absent—Excused.

Neal.

## Senate Bill No. 376.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 376, A bill to be entitled  
"An Act conferring upon all cities and towns in Texas and conferring upon all independent school districts having 150 scholastics or more, the right and power by the exercise of the right of eminent domain to acquire the fee simple title to real property, for the purpose of supplying playgrounds, sites upon which to build school houses, and for such other purposes as may be necessary for such schools, and providing that the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring property by railroads, and providing a method whereby any such city or town or independent school district may take possession of any property condemned after the award of the commissioners, and repealing all laws both general and special in conflict herewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills

to be read on three several days was suspended and S. B. No. 376 was put on its third reading and final passage, by the following vote:

## Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

## Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

## Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

## Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

## Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

## Absent—Excused.

Neal.

## Senate Bill No. 527.

The Chair laid before the Senate on second reading the following bill:

By Senator Greer:

S. B. No. 527, A bill to be entitled "An Act creating a more efficient road system for Anderson county, Texas; providing that the county commissioners shall co-operate with

the State Highway Department in the establishment, construction, and maintenance of designated State Highways, to be paid for partly by the county and partly by the State or Federal Government; etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 527 was put on its third reading and final passage, by the following vote:

## Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

## Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

## Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

## Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

## Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

## Absent—Excused.

Neal.

**Senate Bill No. 536.**

The Chair laid before the Senate on second reading the following bill:

S. B. No. 536, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

The rule requiring Committee reports to lie over one day was suspended.

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 536 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—21.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Moore.

Parr.	Westbrook.
Parrish.	Williamson.
Patton.	Woodul.
Pollard.	Woodward.
Thomason.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

**Senate Bill No. 477.**

The Chair laid before the Senate on second reading the following bill:

S. B. No. 477, A bill to be entitled "An Act defining aircraft, public and civil, airman and providing that in interest of public safety and desirability of uniform regulation and in interest of aeronautical progress that aircraft operating within this State should conform with respect to design, construction and airworthiness to the standards prescribed by the United States Government, and making it unlawful for the navigation of aircraft within this State whether for commercial, pleasure or noncommercial purposes, unless it is licensed and registered by the Department of Commerce of the United States in the manner prescribed by the lawful rules and regulations of the United States Government then in force; etc., and declaring an emergency."

The bill was read second time.

Senator Pollard sent up the following amendments:

Amend S. B. No. 477 by adding a semicolon instead of a period after the caption, and adding the following words: "And providing for penalties for navigation of any civil aircraft within this State which has not first been registered and licensed."

The amendment was read and adopted.

Amend S. B. No. 477 by adding after Section 5 the following words: "Any person who navigates or serves as an airman in any civil aircraft which has not been licensed and registered by the Department of Commerce of the United States in the manner prescribed by the lawful rules and regulations of the

United States Government in force." The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. 477 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

Motions to Concur.

On motion of Senator Thomason, the Senate voted to concur in the House amendments to S. B. No. 483 by the following vote:

Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

On motion of Senator Greer, the Senate voted to concur in the House amendments to S. B. No. 414 by the following vote:

Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

On motion of Senator Parrish, the Senate voted to concur in the House amendments to S. B. No. 266 by the following vote:

Yeas—21.

Beck.	Hornsby.
Berkeley.	Hyer.
Cousins.	Love.
DeBerry.	McFarlane.
Gainer.	Moore.
Greer.	Parr.
Holbrook.	Parrish.

Patton.	Williamson.
Pollard.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

On motion of Senator Parrish the Senate voted to concur in the House Amendments to S. B. No. 306, by the following vote:

Yeas—21.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

**H. C. R. No. 20.**

The Chair laid before the Senate H. C. R. No. 20, recalling S. B. No. 37 from the Governor.

The resolution was read and adopted.

**Motions to Concur.**

On motion of Senator Parr, the Senate voted to concur in the House amendment to S. B. No. 57 by the following vote:

Yeas—21.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cousins.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Moore.

Parr.	Westbrook.
Parrish.	Williamson.
Patton.	Woodul.
Pollard.	Woodward.
Thomason.	

Absent.

Cunningham.	Small.
Hardin.	Stevenson.
Martin.	Wirtz.
Miller.	Witt.
Russek.	

Absent—Excused.

Neal.

**Senate Bill No. 364.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 364, A bill to be entitled "An Act amending Article 6562, Chapter 1, Title 113 of the Revised Statutes of the State of Texas of 1925, increasing the pay of the officers and men of the State Ranger Force."

Read second time and passed to engrossment.

**Senate Bill No. 380.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 380, A bill to be entitled "An Act to protect and secure persons, firms, corporations, artisans, laborers, mechanics and sub-contractors, furnishing labor, materials, machinery, fixtures or tools in connection with the drilling, re-drilling or deepening of oil or gas wells, in the payment of amounts due them for same; providing for a bond to be filed by such drillers; requiring them to procure a certificate from the Railroad Commission; providing penalties for violation of this Act; enacting provisions necessary and incidental to the subject and purpose of the Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 380 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

Absent.

Miller.	Small.
Russek.	Stevenson.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
McFarlane.	

Absent.

Russek.	Stevenson.
Small.	

Absent—Excused.

Neal.

**Senate Bill No. 21.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 21, A bill to be entitled "An Act to amend Chapter 181 of the General Laws of the Fortieth Legislature of the State of Texas, (regular session) providing for the classification of elementary and high schools by the county board of school trustees, providing for free tuition for certain high school students; and declaring an emergency."

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Love, the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 21 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
McFarlane.	

Absent.

Russek.	Stevenson.
Small.	

Absent—Excused.

Neal.

The bill was read third time and finally passed.

**Senate Bill No. 446.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 446, A bill to be entitled "An Act extending oil and gas permits and combinations thereof issued on University lands that are valid and in good standing on the day this Act takes effect, and the terms of which will expire on or before December 31, 1929; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 446 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	Martin.
Greer.	McFarlane.

Miller.	Westbrook.
Moore.	Williamson.
Parr.	Wirtz.
Parrish.	Witt.
Patton.	Woodul.
Pollard.	Woodward.
Thomason.	

Absent.

Russek.	Stevenson.
Small.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
McFarlane.	

Absent.

Russek.	Stevenson.
Small.	

Absent—Excused.

Neal.

Motion to Concur.

On motion of Senator Love, the Senate voted to concur in the House amendment to S. B. No. 326 by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
McFarlane.	

Absent.

Russek.	Stevenson.
Small.	

Absent—Excused.

Neal.

Senate Bill No. 569.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 569, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Washington county, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended.

The committee report was adopted. The bill was read second time and passed to engrossment.

On motion of Senator Gainer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 569 was put on its second reading by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
McFarlane.	

Absent.

Russek.	Stevenson.
Small.	

Absent—Excused.

Neal.

The bill was read second time and passed to engrossment.

On motion of Senator Gainer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 569 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Russek.	Stevenson.
Small.	

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
Martin.	Woodward.
McFarlane.	

Absent.

Russek.	Stevenson.
Small.	

Absent—Excused.

Neal.

**Senate Bill No. 479.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 479, A bill to be entitled "An Act to amend Article 5053, R. S. 1925, relating to discrimination and other practices in connection with the sale of life insurance policies, so as to better regulate the sale of stocks, bonds and other securities in connection with life insurance policies, and declaring an emergency."

The bill was read second time.

Senator Hyer sent up the following amendments:

Amend S. B. No. 479 Section 2 by striking out "February 20, 1929"

and inserting in lieu thereof "March 1, 1929."

The amendment was read and adopted.

Amend S. B. No. 479 on page 623 of the Senate Journal, in Section 1 of the bill, and in the fourth line of Article 5053, which the Bill amends by striking out of the fourth line of said Article of the original bill, the word "protection" and insert in lieu thereof the word "expectation" and by striking out the semi-colon in said Article 5053 in line twenty of the original bill and between the word "thereof" and the words "any stocks."

The amendment was read and adopted.

The bill as amended was passed to engrossment by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Nays—3.

Cunningham.	Pollard.
DeBerry.	

Absent.

Russek.	Stevenson.
Small.	

Absent—Excused.

Neal.

**Senate Bill No. 529.**

The Chair laid before the Senate, on second reading, the following bill:

By Senator Stevenson:

S. B. No. 529, A bill to be entitled "An Act creating a special road law for Karnes county, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of Jan. 1, 1929, setting forth

the method of said operation and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Stevenson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 529 was put on its third reading and final passage, by the following vote:

**Yeas—28.**

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

**Absent.**

Russek. Small.

**Absent—Excused.**

Neal.

The bill was read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

**Absent.**

Small. Stevenson.

**Absent—Excused.**

Neal.

**House Bill No. 608.**

The Chair laid before the Senate,

on second reading, the following bill:

By Mr. Kenyon:

H. B. No. 608, A bill to be entitled "An Act granting to cities located in any county of this State of less than 100,000 inhabitants according to the United States census of 1920 and which county contains a city of more than 43,000 inhabitants according to said census the right to execute leases not to exceed a period of ninety-nine years on islands, flats and submerged lands heretofore granted by the State of Texas or the Republic of Texas to such cities."

The rule requiring committee reports to lie over one day was suspended.

The committee report carrying a substitute was adopted.

The bill as substituted was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 608 was put on its third reading and final passage, by the following vote:

**Yeas—28.**

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

**Absent.**

Russek. Small.

**Absent—Excused.**

Neal.

The bill was read third time and finally passed by the following vote:

**Yeas—28.**

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Patton.
Hornsby.	Pollard.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	Witt.
Parr.	Woodul.
Parrish.	Woodward.

Absent.

Russek.	Small.
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Absent—Excused.

Neal.

**Senate Bill No. 227.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 227, A bill to be entitled "An Act to safeguard life, health and property, and the public welfare, and to protect the public against the irresponsible practice of the profession of architecture."

The committee report carrying amendment was adopted.

The bill as amended was read second time and passed to engrossment.

**Senate Bill No. 349.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 349, A bill to be entitled "An Act relating to financial management and control of any incorporated city or town that has, or may hereafter, default in payment of bonds or other obligations lawfully issued thereby; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 349 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Holbrook.	Patton.
Hornsby.	Pollard.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	Witt.
Parr.	Woodul.
Parrish.	Woodward.

Absent.

Russek.	Small.
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Absent—Excused.

Neal.

The bill was read third time and finally passed.

**Senate Bill No. 485.**

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 485, A bill to be entitled "An Act to provide for additional compensation for official shorthand reporters of all judicial districts or district courts in any county in this State having a population in excess of fifteen thousand inhabitants, according to the last United States census and according to any United States census which may hereafter be taken, and having only one judicial district or one district court in such county, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days, was suspended and S. B. No. 485 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

## Absent.

Russek.

Small.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

## Absent.

Russek.

Small.

Absent—Excused.

Neal.

## Senate Bill No. 390.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 390, A bill to be entitled "An Act making an appropriation to be used for the erection of a monument in the City of Crockett, Houston County, Texas, in memory of David Crockett, a Texas hero, who was killed in the battle of the Alamo, in Texas' struggle for freedom; said appropriation to be used for the purpose of erecting said monument; providing the means, agencies and expenditure of said fund and erection of the monument and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Patton, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 390 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.

Gainer.

Greer.

Hardin.

Holbrook.

Hornsby.

Hyer.

Love.

Martin.

McFarlane.

Miller.

Moore.

Parr.

Parrish.

Patton.

Pollard.

Small.

Stevenson.

Thomason.

Westbrook.

Williamson.

Wirtz.

Witt.

Woodul.

Woodward.

## Absent.

Russek.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Nays—1.

DeBerry.

Absent.

Russek.

Absent—Excused.

Neal.

## Senate Bill No. 364.

Senator Parrish moved to reconsider the vote by which the Senate engrossed S. B. No. 364. The motion prevailed.

Senator Parrish sent up the following amendment:

Amend S. B. No. 364 by adding the following section:

Sec. 4. The fact that the officers coming under the provisions of this Act creates an emergency, and an imperative public necessity requiring that bills be read on three several days be suspended, and said rule is suspended and this Act shall take effect from and after its passage and it is so enacted.

The amendment was read and adopted.

Amend caption by adding "and declaring an emergency."

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Parrish, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 364 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Russek.

Absent—Excused.

Neal.

The bill was read third time and finally passed.

#### Senate Bill No. 86.

The Chair laid before the Senate on second reading, the following bill:

S. B. No. 86, A bill to be entitled "An Act to establish and maintain a dairy, poultry, pecan, crops, and other native products experiment station on the Miles, Roscoe and Abilene soil type in Taylor, Jones, Calahan or Shackelford County, Texas, within a radius of 25 miles of Abilene, Taylor County, Texas; authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said board to establish and maintain same; to accept donations of lands, water, livestock, seeds, plants and money for the establishment of said station and for the operation of same; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Cunningham, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 86 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Russek.

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Nays—1.

DeBerry.

Absent.

Russek.

Absent—Excused.

Neal.

#### Senate Bill No. 434.

The Chair laid before the Senate, on its second reading, the following bill:

S. B. No. 434, A bill to be entitled "An Act to create Santa Maria Water Control and Improvement District Cameron County No. 4 in Cameron County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the original organization of said district as a Water Improvement District under Article 3, Section 52 of the Constitution, etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 434 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Russek.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—29.

Beck.	Love.
Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Parr.
Greer.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Small.
Hyer.	Stevenson.

Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.
Wirtz.	

Absent.

Russek.

Absent—Excused.

Neal.

Senate Bill No. 318.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 318, A bill to be entitled "An Act to amend Article 1430, Title 17, Chapter 8, of the Penal Code of Texas, adopted at a regular session of the Thirty-ninth Legislature, 1925, being an Act defining the receiving or concealing of stolen property, or property which has been acquired, in such a manner that the acquisition comes within the meaning of the term theft by one knowing the same to have been so acquired, and prescribing the punishment for the violation thereof, and providing that no person shall be excused from testifying against persons who have violated the provisions of said Article for the reason that such testimony would incriminate such witness, and providing that no person required to so testify shall be punishable for acts disclosed by such testimony, and providing that no such person so testifying shall be held in law or in fact to be an accomplice when a witness in any such trial."

The bill was read second time and passed to engrossment.

Senator Williamson sent up the following amendment:

Amend S. B. No. 318 by adding to the caption "and declaring an emergency".

WILLIAMSON.

The amendment was read and adopted by a two-thirds vote.

On motion of Senator Williamson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 318 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Parr.	Woodward.
Parrish.	

Absent.

Russek.

Absent—Excused.

Neal.

The bill was read the third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Russek.

Absent—Excused.

Neal.

Senate Bill No. 482.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 482, A bill to be entitled "An Act providing for dairy research work and soil research and co-operative fertilizer experiments to be carried on through two sub-experiment stations in East Texas under the direction of the A. & M. College experiment station; making an appropriation for same; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 482 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent.

Russek.

Absent—Excused.

Neal.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
Miller.	Woodward.
Moore.	

Nays—2.

DeBerry. McFarlane.

Absent.

Russek.

Absent—Excused.

Neal.

Adjournment.

On motion of Senator Woodward, the Senate, at 10:10 o'clock p. m., adjourned until 10:00 o'clock Thursday morning.

**APPENDIX.****Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 10 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 480, a bill to be entitled "An Act to provide a complete educational system commonly known as the County Unit System for a certain class of counties, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute do pass in lieu thereof, and be not printed.

HORNSBY, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 163, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, relating to the selection of jurors for service in the district and county courts, so as to make said Article apply in any county having a population of at least fifty-eight thousand or having therein a city containing a population of at least twenty thousand as shown by the preceding Federal Census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 563, A bill to be entitled "An Act to amend Sections 34, 41, and 65 (so noted in the Revised Civil Statutes of Texas), Article 199 of Title 8 of the Revised Civil Statutes of Texas, changing the time of holding the terms of the District Court of the Thirty-fourth Judicial District of Texas and permitting the continuing of the terms of court in Hudspeth and Culberson counties by the court, and repealing all laws and parts of laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, but be not printed.

PATTON, Chairman.

Committee Room,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 531, A bill to be entitled "An Act creating one additional district court for Dallas county, defining their jurisdiction; adjusting the business of the existing district courts to the business thereof, prescribing the duties of the District Clerk with respect thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the accompanying amendment, and be not printed.

PATTON, Chairman.

**Committee Amendment.**

Amend S. B. No. 531 by inserting in all the blanks in Sections 1, 2, 3, 5, 6, and 7, being all blanks preceding the words "district court" the words, "One Hundred and Thirtieth."

Committee Room,  
Austin, Texas, Feb. 20, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 536, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 222, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 23 of the General Laws of the Regular Session of the Fortieth Legislature of Texas, passed and approved February 12, 1927, relating to the appointment of assistant district attorneys in judicial districts consisting of more than one county in which there is situated a city of twenty-eight thousand population or over, according to the last preceding United States census or any United States census which may hereafter be taken so as to provide for the appointment of assistant district attorneys in such judicial districts in which there is situated a city of twenty-two thousand five hundred population or over, according to the last preceding United States census or any United States census which may hereafter be taken, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 216, A bill to be entitled "An Act to validate all school districts created under Chapter 84 of the Acts of the First Called Session of the Fortieth Legislature in 1927; and particularly all independent school districts created under and by virtue of Section 5 of said Act; validating all bonds issued or authorized to be issued by said school districts; validating all bond proceedings of said school districts in which the petition, order and notice of election did not contain definite maturity dates of the bonds; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. C. R. No. 22, A resolution "Relating to the tariff on crude oil."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal, but not otherwise.

WIRTZ, Chairman.

By Witt, Small, S. C. R. No. 22.  
Woodward, Hyer.

#### SENATE CONCURRENT RESOLUTION.

Whereas, The State of Texas is at this time the largest and greatest in volume, of all the State of the Union in the production of crude oil, and

Whereas, Hundreds of land owners, and royalty owners and oil operators, and dealers in both raw and refined products of oil produced in this State are vitally affected by all things that might adversely affect the oil industry or the market conditions of this great industry, and

Whereas, The University of the State of Texas owns and controls vast acres and bodies of land much

of which has been proven and is now producing large quantities of oil from the sale of which this State and the University of this State receive large financial benefit and should receive much more if stabilized marketing conditions can be secured and maintained, and

Whereas, Citizens, land owners, royalty owners, oil producers, oil refiners, oil operators and many workers in this vast industry are cognizant and complain of market conditions asserted to be due to overproduction, and

Whereas, The imports of duty-free, foreign produced crude oil and its products received in the United States during 1928 amounted to Ninety-One Million (91,000,000) barrels, and

Whereas, Such great quantities of oil are produced under conditions and at low prices, in foreign countries, that owners and producers in the United States cannot fairly compete with it at prevailing domestic market prices, and

Whereas, West Texas Crude Oil is now being sold for an approximate average of Sixty-five cents (65c) per barrel because of the millions of barrels of duty free oil being imported into the United States each month and

Whereas, the imposition of a reasonable and just tariff on oil and its products, either per barrel or per ton to cover the products of same is apparently the urgent need of the immediate present for relief from these conditions complained of, and

Whereas, there has been introduced in the records of the Ways and Means Committee, (being a joint committee of the United States Senate and House) a request by Congressman Howard, of Oklahoma, whereby it is sought to include oil in the tariff revision schedule now under consideration; and asking that a tariff of \$1 per barrel or its equivalent in tons be placed upon the importations of foreign crude oil and its products, and

Whereas, Such duty, or tariff, if enacted would undoubtedly bring about much desired relief from oppressive market conditions to land owners, royalty owners, lease owners, operators, marketers, and in fact many hundreds of citizens of this State, including also certain State institutions that would re-

ceive greatly increased wealth from higher prices for crude oil, and

Whereas, The hearing before the said Ways and Means Committee to act upon the request of Congressman Howard for an import duty on crude oil has been set for consideration February 20th, 21st, and 22nd, of this present year, and

Now therefore be it resolved, that the Senate of Texas, the House of Representatives concurring, hereby memorializes and requests the hearty endorsement and active support of each of its United States Senators and its Congressman to securing the inclusion of crude oil in the tariff revision schedules heretofore mentioned; and

Be it further resolved that the secretary of the Senate be and he is hereby instructed to forward a copy of this resolution to each member of the United States Senate and House, immediately following its passage.

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 10, A bill to be entitled "An Act authorizing the establishment of Junior Colleges in Independent School Districts and cities that have assumed control of their schools in the State of Texas. having taxable values of not less than Twenty-five Million (\$25,000,000.00) Dollars and a high school enrollment of not less than four hundred (400) pupils in the high school providing for methods and manner of calling elections to determine the establishment of Junior Colleges; providing for the government and administration of such Junior Colleges and the location of same; providing for issuance of bonds for construction of buildings, equipment, etc., for sinking funds to retire bonds, to levy taxes of not greater than twenty cents on the hundred dollars valuation; providing for assessing and collecting of taxes for necessary amount to meet expenses of running colleges; defining a Junior College; providing for granting of powers and duties to such trustees for the control management, and operation of such college; forbidding use of money from State available school fund for Jun-

ior College purposes; providing for compensation for expense of members of Board of Trustees; for the establishment of Union Junior College Districts consisting of a union of Independent Districts or two or more contiguous Common School Districts, or a combination of one or more Independent School Districts with one or more Common School District of contiguous territory, of a county, or counties, having taxable values of not less than Twenty-five Million \$25,000,000.00 Dollars and a high school enrollment of not less than five hundred pupils in the high schools; providing for methods and manners of calling election to determine the establishment of such Union Junior College Districts; providing for the administration and control of such colleges; providing for levy, assessment and collection of taxes for such District, and validating all public Junior Colleges now established; declaring an emergency and an imperative public necessity and requiring the suspension of the reading of the bill on three several days."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following Committee Amendments and be printed in the Journal.

Amend the Caption to H. B. No. 10, on line 4, page 1 by striking out the words and figures, "Twenty-five Million (\$25,000,000.00) Dollars," and inserting in lieu thereof, the words and figures, "Twelve Million (\$12,000,000.00) Dollars."

Amend the Caption to H. B. No. 10, lines 23 and 24, page 1 by striking out the words and figures, "Twenty-five Million (\$25,000,000.00) Dollars and inserting in lieu thereof the words and figures, Twelve Million (\$12,000,000.00) Dollars.

Amend H. B. No. 10, Section 7, line 6, page 5 by adding after the words, "Junior College," the word "District."

Amend H. B. No. 10 by striking out all between the word "College" in the last line on page 7 down to and including the word "purposes" on page 8 of the engrossed bill and substitute in lieu thereof the following:

"And provided further that the

Legislature shall not make an appropriation out of the general fund of the State for the establishment, support or maintenance of any Junior College established or that may be established under the provisions of the Act."

Amend H. B. No. 10, Section 17, line 5, page 9, by striking out the figures, "\$25,000,000.00" and inserting the figures, \$12,000,000.00.

Amend H. B. No. 1, Section 17, line 12, page 9, by striking out the figures, \$25,000,000.00 and inserting in lieu thereof the figures, \$12,000,000.00.

Amend H. B. No. 10, Section 21, line 2, page 12, by striking out the word "or" after the words "District or Districts" and inserting in lieu thereof the words, "may be annexed to A."

HORNSBY, Vice-Chairman.

By Kinnear et al. H. B. No. 10.

#### A BILL

#### To Be Entitled

An Act authorizing the establishment of Junior Colleges in Independent School Districts and cities that have assumed control of their schools in the State of Texas, having taxable values of not less than Twenty-five Million (\$25,000,000.00) Dollars and a high school enrollment of not less than four hundred (400) pupils in the high school; providing for methods and manner of calling elections to determine the establishment of Junior Colleges; providing for the government and administration of such Junior Colleges and the location of same; providing for issuance of bonds for construction of buildings, equipment, etc., for sinking funds to retire bonds, to levy taxes of not greater than twenty cents on the hundred (\$100) Dollars valuation, providing for assessing and collecting of taxes for necessary amount to meet expenses of running college; defining a Junior College; providing for granting of powers and duties to such trustees for the control management, and operation of such college; forbidding use of money from State available school fund for Junior College purposes; providing for compensation for expense of members of Board of Trustees; for the establishment of

Union Junior College Districts consisting of a union of Independent Districts or two or more contiguous Common School Districts, or a combination of one or more Independent School Districts with one or more Common School Districts of contiguous territory, of a county, or counties, having taxable values of not less than Twenty-five Million (\$25,000,000.00) Dollars and a high school enrollment of not less than five hundred (500) pupils in the high schools; providing for methods and manners of calling elections to determine the establishment of such Union Junior College Districts; providing for the administration and control of such colleges; providing for levy, assessment and collection of taxes for such Districts, and validating all public Junior Colleges now established; declaring an emergency and an imperative public necessity and requiring the suspension of the reading of the bill on three several days.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any Independent School District, or city which has assumed control of its schools, having in either case an assessed property valuation of not less than \$25,000,000.00 or having an income provided by endowment or otherwise that will meet the needs of the proposed Junior College District, said need to be determined by the State Board of Education, and having an average daily attendance of the next preceding school year of not fewer than 400 students in the last four years in the classified high school or high schools within the said district or city, may by vote of the qualified voters of the district or city establish and maintain a Junior College, such College District to be known as a Junior College District.

Sec. 2. When it is proposed to establish a Junior College District as above provided, a petition praying for an election therefor, signed by not less than five per cent of the qualified tax paying voters of the proposed territory shall be presented to the Board of Education of the district or city. It shall thereupon become the duty of the Board so pe-

tioned to pass upon the legality of the petition and the genuineness of the same. It shall then be the duty of the Board to forward the petition to the State Board of Education.

Sec. 3. It shall be the duty of the State Board of Education, with the advice of the State Superintendent of Public Instruction to determine whether or not the conditions set forth in Section No. 1 have been complied with, and also whether, in consideration of the geographic location with respect to colleges already established, it is feasible and desirable to establish such Junior College District. In passing upon this question, it shall be the duty of the State Board of Education to consider the needs of the State and the welfare of the State as a whole, as well as the welfare of the community involved. The action of the State Board of Education shall be final and shall be communicated, through the State Superintendent of Public Instruction, to the Board together with an order of the State Board of Education, authorizing further procedure in the establishment of the Junior College District, if said State Board endorses its establishment. If the State Board of Education approves of the establishment of the Junior College District, it shall then be the duty of the Board of Education to enter an order for an election to be held in the proposed territory within a time not less than twenty days and not more than thirty days after such order is issued, to determine whether or not such Junior College District shall be created and formed. Such order shall contain a description of the metes and bounds of such Junior College District to be formed, and shall fix the date for such election. If a majority of the votes cast by the qualified voters of such district at such election shall be in favor of the creation of a Junior College District the same shall be deemed to be formed and created, and said Board of Education, shall within ten days after holding such election, make a canvass of the returns and declare the results of the election. They shall then enter an order on the Minutes of the Board as to the results.

Sec. 4. A Junior College established and maintained by an Independent District or a city that has

assumed control of its schools, shall be governed, administered and controlled by and under the direction of the Board of Education of such district or city.

Sec. 5. The Board or Trustees of Junior College Districts shall be governed in the establishment, management and control of the Junior College by the General Law governing the establishment, management and control of Independent School Districts in so far as the General Law is applicable.

Sec. 6. The location of the Junior College within the Junior College District shall be determined by the Junior College Board, as provided for in Sections here. The Junior College Board shall make a selection of the location of the Junior College after its establishment has been authorized as provided in this Act.

Sec. 7. The Junior College District created under this Act shall have the power to issue bonds for the construction and equipment of school buildings and the acquisition of sites therefor, and to provide for the interest and sinking fund for such bonds by levying of such taxes as will be necessary in this connection. The Junior College shall also levy and collect taxes for the support and maintenance of the Junior College, provided that no bonds shall be issued and no taxes collected until by vote of the majority of the qualified voters of the Junior College District, at an election called for that purpose in accordance with the provisions of the General Law providing for similar elections in Independent School Districts, such bonds and taxes are authorized. The election for the issuance of such bonds for the levying of such tax or taxes, shall be ordered by the Board of Education of the Junior College upon petition signed by 10 per cent of the qualified property-tax-paying voters residing in such district, praying for the issuance of such bonds and the levying of such tax or taxes. It shall be the duty of the Board to order such election, and the same shall be conducted and the returns made to the Board of Education of the Junior College District. The issuance of the bonds for Junior College purposes, and the provision of the sinking fund for the retirement thereof, and the pay-

ment of interest and the levying of taxes for the support and maintenance of the Junior College, shall in so far as same is applicable, be in accordance with the general election laws and the laws governing the issuance of bonds and the levying of taxes in the Independent School District, provided the total amount of tax levied for the Junior College purposes shall never exceed twenty (20) cents on the \$100 of property valuation, based on the valuation fixed by the Equalization Board of the Commissioners' Court, for State and county taxes in such counties.

Sec. 8. The Board of Trustees of any single Independent District in which a Junior College shall have already been created and which under the provisions of this Act shall be under the control of such Board of Trustees may set aside for the maintenance of said college, not to exceed twenty per cent of the taxes collected in said district as theretofore authorized by a vote of the people residing in said district, in the manner provided by law, without the requirement of an election to be held in said district for the purpose of voting taxes for the maintenance of said college, provided, however, that the total amount of taxes levied in said district for the maintenance of the public schools therein situated, including said Junior College, shall not exceed the highest amount now allowed, or which may hereafter be allowed by law for the maintenance of schools in an Independent School District of this State.

Sec. 9. The Board of Education of the Junior College shall levy taxes for such district, and in levying such taxes shall base the amount levied on the amount of money needed, with a reasonable margin for loss and expense in collecting same, and shall furnish a copy of the order assessing authority, as indicated above.

Sec. 10. In case the tax levy necessary to meet the needs of the Junior College District is within the limit of twenty (20) cents prescribed by this Act and voted by the Junior College District, it shall be the duty of the assessing authority as above indicated, to assess taxes for Junior College purposes, and it shall be the duty of the Collector of taxes to collect the same. The Tax Collector shall on or about the

tenth of each month make a report to the Junior College Board of Education, showing all moneys collected by him during the past month for Junior College purposes, and shall each month place such funds with the Treasurer of the Independent School District or city, to the credit of the Junior College Board of Education. The officers assessing and collecting Junior College taxes shall receive therefor the same compensation as is paid for assessing and collecting other school taxes.

Sec. 11. The Tax Collector, before entering upon the duties of his office, shall enter into a bond, with two or more good and sufficient sureties, or surety bond, for the protection of the Junior College fund, said bond to be made payable to the Board of Education of the Junior College, and to be made in a sum not less than double the amount of money which may be in his hands at any time while in office. The amount of said bond will be fixed by the State Board of Education, and a copy filed with the State Board. The Junior College Board shall require a similar bond of any and all other persons or corporations in whose possession such funds may be kept.

Sec. 12. A Junior College as here considered must consist of the Freshman and Sophomore College work taught either separately or in conjunction with the Junior and Senior years of the high school, and the course of study must be submitted and approved by the State Department of Education before it may be offered.

Sec. 13. The Board of Trustees of the Junior College shall have the power to select a president, dean or other administrative officers, and, upon his recommendation, to select the faculty and other employees of the college, and to fix the compensation and manner of payment of such administrative head, faculty and employees. The Board shall also have the power to fix and collect fees for matriculation, laboratories, library, gymnasium and tuition.

Sec. 14. No funds received for school purposes from the State available school fund, or raised by local taxation for school purposes, under the General or Special Laws, except as in this Act specifically provided, shall be used for the estab-

lishment, support and maintenance of the Junior College and no State funds shall be used for such purposes. Any school trustee, superintendent or other person having the custody of, or being charged with the duty of expending any funds received for school purposes either from the State available school funds or from local taxation who shall violate this Section of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100.00 or more than \$1000.00 or by imprisonment in the county jail for not less than 30 days or more than six months, or by both such fine and imprisonment.

Sec. 15. The members of the Board of Education of the Junior College shall receive no compensation for their services, but shall be reimbursed from the local funds of the Junior College District for all legitimate expenses incurred by them in the transaction of their official duties, provided that the expense of each member shall not exceed \$5.00 per day, or \$60.00 per year.

Sec. 16. Any public Junior College now organized and conducted in the State of Texas, and recognized as a standard Junior College by the State Department of Education, is hereby validated and may, by action of its Board of Trustees, choose to be governed by the provisions of this Act, and receive the privileges of the same at any time that it may desire to do so.

Also all limitations and restrictions of this Act relating to taxable values and to pupils enrolled shall not apply to Independent School Districts which have voted in excess of Forty-one Thousand Five Hundred (\$41,500.00) Dollars worth of bonds, prior to May 20, 1927, to purchase buildings and equipment and which buildings and equipment are worth in excess of Two Hundred and Fifty Thousand (\$250,000.00) Dollars and which said buildings have been used, operating under and doing business by virtue of being incorporated under the Laws of the State of Texas, and which said charter was granted said college and university training school prior to the 11th day of September, 1898; and all such Independent School Districts so voting in excess of Forty-one Thousand Five Hundred (\$41,500.00) Dollars

worth of bonds prior to May 20, 1927, to purchase buildings and equipment, worth in excess of Two Hundred Fifty Thousand (\$250,000.00) Dollars which said buildings have been used, operated and occupied by a college and university training school, incorporated under the Laws of the State of Texas prior to the 11th day of September, 1898, are hereby created Junior College Districts and all such Independent School Districts Acts in voting of any such bonds are hereby in all things validated.

Sec. 17. Two or more contiguous Independent School District or two or more contiguous Common School Districts, or a combination of one or more Independent School Districts with one or more Common School Districts of contiguous territory within the same county having a combined taxable wealth of not less than \$25,000,000.00, and an average daily attendance the next preceding school year of not less than 500 students in the last four years in the classified high school of said district, may, by vote of the qualified voters of the said territory, establish and maintain a Union Junior College. Any county or combination of contiguous counties in the State, having a taxable property valuation of not less than \$25,000,000.00, and an average daily attendance of not fewer than 500 students in the last four years of the classified high schools within the proposed territory may, by vote of the qualified voters of the proposed territory, establish and maintain a County or Joint-County Junior College.

Sec. 18. Whenever it is proposed to establish a Union Junior College District, or a County Junior College District, as above provided, a petition praying for an election therefor, signed by not fewer than 10 per cent of the qualified tax-paying voters of the proposed territory, shall be presented to the County Board of Education. In case of the Joint County Junior College District, the petition shall be signed by not fewer than 10 per cent of the qualified tax-paying voters of each of the proposed counties and shall be presented to the Board of Education of the counties included in the proposed district. In case there is no County Board of Education, the petition shall be presented to the Commissioners' Court or the Commis-

sioners' Courts of the county or counties involved. It shall thereupon become the duty of the Board or Boards, or the Commissioners' Court or Courts, so petitioned to pass upon the legality of the petition and the genuineness of the same. It shall then be the duty of the Board or Boards of Education, the Commissioners' Court or Courts, as the case may be, to forward the petition to the State Board of Education.

Sec. 19. It shall be the duty of the State Board of Education, with the advice of the State Superintendent of Public Instruction, to determine whether or not the conditions set forth in Section 17 have been complied with, and also whether, in consideration of the geographic location with respect to colleges already established, it is feasible and desirable to establish such Junior College District. In passing upon this question, it shall be the duty of the State Board of Education to consider the needs of the State, the welfare of the State as a whole, as well as the welfare of the community involved. The action of the State Board of Education shall be communicated, through the State Superintendent of Public Instruction, to the Commissioners' Court or Courts, as the case may be, together with an order of the State Board of Education, authorizing further procedure in the establishment of the Junior College District. If the State Board of Education approves of the establishment of the Junior College District, it shall then be the duty of the Commissioners' Court or Courts, as the case may be, to enter an order for an election to be held in the proposed territory within a time not less than twenty days and not more than thirty days after such order is issued, to determine whether or not such Junior College District shall be created and formed. Such order shall contain a description of the metes and bounds of such Junior College District to be formed, and shall fix the date for such election. If a majority of the votes cast by the qualified voters of such election shall be in favor of the creation of a Junior College District same shall be deemed to be formed and created, and said Commissioners' Court or Courts, as the case may be, shall within ten days after holding such election, make a can-

vass of the returns and declare the results of the election. They shall enter an order on the Minutes of the Court or Courts as to the results. In the case of the Joint County Junior College District, the election shall by mutual agreement of the Court or Courts be held on the same day.

Sec. 20. A Union Junior College, a County Junior College, or a Joint County Junior College, shall be governed, administered and controlled by and under the direction of a Board of seven Junior College Trustees elected at large from the Junior College District by the qualified voters of said district, with such terms of office as may be provided under the General Law for trustees in Independent School Districts. Said Board of Trustees shall adopt such rules, regulations and by-laws as they may deem proper and they shall have exclusive power to manage and govern said Junior College, and, as such, they shall constitute a body corporate by the name of the Junior College District, State of Texas, and in that name may acquire and hold real and personal property, sue and be sued, and may receive bequests and donations, or other moneys or funds coming legally into their hands, and may perform other acts for the promotion of education in said district.

Sec. 21. An Independent School District, or Districts, Common School District or Districts, Union Junior College District for Junior College purposes only, by an election as provided in Section 2 hereof, upon petition of 5 per cent of the property tax-paying voters in such district or districts to be annexed, provided further that such annexation shall have been previously approved by the Board of Trustees of the Junior College District and provided further that election for such annexation shall be called and the results canvassed and declared by the County Board of Education or the County Commissioners' Court of the county. In case there is no County Board of Education, provided further that the territory included in such annexed district shall thereby assume its share of any outstanding bonded indebtedness of the Junior College District, in proportion to the assessed valuation within the said district, and shall also become liable

for taxes for maintaining the Junior College.

Sec. 22. All taxes levied for a County or Joint County Junior College District, shall be assessed by the County Tax Assessor or Assessors, and collected by County Tax Collector or Collectors who shall each month place such funds with the County Treasurer or Treasurers in the case of a Union Junior College District.

Sec. 23. Should the courts declare any Section or provision of this Act unconstitutional, such action shall affect only the Section or provision declared unconstitutional, and shall not affect any other provision or Section of this Act.

Sec. 24. The fact that there is now no Law on the Statutes authorizing the creation of Junior Colleges, and the further fact that it will be necessary before the taxes for the year 1929 can be collected for the use of a Junior College, that such taxes be assessed prior to making up the tax roll for said year, creates an emergency and an imperative public necessity requiring that the Constitutional Rule providing that bills shall be read on three several days shall be suspended, and said rule is hereby suspended, and this Act shall be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 520, A bill to be entitled "An Act regulating commercial colleges; requiring commercial colleges that may hereafter be organized in Texas to comply with their contracts with the students who matriculate with them for the purpose of taking commercial courses in accounting, stenography, telegraphy, typing, and other branches generally included in the curriculum of such colleges; requiring such colleges, before collecting fees, tuition and other expenses from students who desire to take such courses in such colleges, to enter into bonds executed by standard and solvent guaranty companies guaranteeing the refund of such fees, tuition, and expenses as are paid in case the promoters, officers and

agents of such colleges fail to comply with their contracts; authorizing any student or other person who has paid tuition, fees and other expenses to the promoter, officers and agents of such colleges to sue on such bond in any court in this State of competent jurisdiction in the county where such college may be located, and to recover the amount so paid with ten per cent interest thereon from the date of payment together with reasonable attorney's fees; providing penalties for failure to refund to any student the amounts paid for tuition, fees and other expenses whenever the promoters, officers and agents of such colleges fail to comply with their contracts to give and furnish training in commercial courses according to the contracts entered into; enacting other provisions incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

HORNSBY, Chairman.

By Pollard.

S. B. No. 520.

#### A BILL

#### To Be Entitled

An Act regulating commercial colleges; requiring commercial colleges that may hereafter be organized in Texas to comply with their contracts with the students who matriculate with them for the purpose of taking commercial courses in accounting, stenography, telegraphy, typing, and other branches generally included in the curriculum of such colleges; requiring such colleges, before collecting fees, tuition and other expenses from students who desire to take such courses in such colleges, to enter into bonds executed by standard and solvent guaranty companies guaranteeing the refund of such fees, tuition and expenses as are paid in case the promoters, officers and agents of such colleges fail to comply with their contracts; authorizing any student or other person who has paid tuition, fees and other expenses to the promoter, officers and agents of such colleges to sue on such bond

in any court in this State of competent jurisdiction in the county where such college may be located and to recover the amount so paid with ten per cent interest thereon from the date of payment, together with reasonable attorney's fees; providing penalties for failure to refund to any student the amounts paid for tuition, fees and other expenses whenever the promoters, officers and agents of such colleges fail to comply with their contracts to give and furnish training in commercial courses according to the contracts entered into; enacting other provisions incidental to said purpose; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person, partnership, association of persons or any corporation which may desire to open a commercial college, or to establish a branch college or school in this State for the purpose of teaching bookkeeping, stenography, typing, telegraphy, and other courses which are usually taught in commercial colleges, before commencing business, must secure a permit from the Secretary of State of the State of Texas authorizing such person, partnership, association of persons, or corporations to open and to conduct such commercial college or branch college or school. The application for such permit shall state specifically the name of such person, partnership, association of persons or corporation, and give the name and address of the person, the name and address of each member of the partnership, the name and address of each person forming the association, or the name of the corporation, and of each director and officer of such corporation.

Sec. 2. Before the Secretary of State shall issue such permit, the person, partnership, association of persons or corporation shall execute a bond in the sum of ten thousand dollars, signed by a solvent guaranty company authorized to do business in the State of Texas, payable to the county judge of the county in which such college, or branch college or school will be located, and conduct its business conditioned that the principal in said bond will carry out and comply with each and all con-

tracts, either verbal or written, made and entered into by said college, or branch college or school, acting by and through its officers or agents, with any student who desires to enter such college and to take any course in commercial training, and to pay back to such student all amounts collected for tuition and fees in case of failure on the part of the parties obtaining a permit from the Secretary of State to open and conduct a commercial college, or branch college or school, to comply with its contracts to give the instruction contracted for, and for the full period evidenced by such contract. Such bond shall be filed with the county clerk of the county in which the college or branch college or school executing the bond is located and recorded by such clerk in a book provided for that purpose.

Sec. 3. In any and all cases where the party receiving the permit from the Secretary of State fails to comply with any contract made and entered into with any student or with the parents or guardians of such student, such student or his parents or guardian shall have a cause of action against the sureties on the bond executed as herein provided for the full amount of the payments made to such person, with ten per cent interest from the date of the payment of said amount, and for reasonable attorneys' fees for instituting and prosecuting such suit. Any court of competent jurisdiction in the county in which the college or branch college or school is located shall have venue to try and prosecute such suits.

Sec. 4. Any person, or each member of any partnership or each member of any association of persons or each officer, including each director of any corporation which opens and conducts a commercial college or branch college or school without first having obtained the permit required in Section One of this Act, and without first having executed the bond required in Section Two of this Act, shall be guilty of a misdemeanor and punishable by fine of not less than one hundred dollars, nor more than five hundred dollars, and each day said college continues to be open and operated shall constitute a separate offense.

Sec. 5. The provisions of this Act shall not apply to any university, col-

lege or regular high school which has heretofore adopted or which may hereafter adopt one or more commercial courses nor to any commercial college heretofore established, provided the tuition fees and charges, if any made by such university, commercial college, college or regular high school, shall be collected by their regular officers in accordance with the rules and regulations prescribed by the regents or board of trustees of such university, commercial college, college or high school.

Sec. 6. All persons, partnerships, associations of persons which are non-residents of Texas, or corporations organized and chartered under the laws of any other State, must comply with the provisions of this Act before such can open and conduct a commercial college or branch college or school in the State of Texas.

Sec. 7. If any part of this Act is unconstitutional or invalid for any reason the remainder of the Act shall nevertheless remain in effect.

Sec. 8. The fact that there is now no law on the Statutes regulating the organization and opening of commercial colleges or branch colleges or schools and regulating same so as to prevent young men and women from losing the tuition and fees which they may pay for courses in such colleges, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended and it is so enacted.

Committee Room,

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 569, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Washington county."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Land and Land Office, to whom was referred

H. B. No. 608, A bill to be entitled "An Act granting to cities located in any county of this State of less than 100,000 inhabitants according to the United States census of 1920, and which county contains a city of more than 43,000 inhabitants according to said census, the right to execute leases not to exceed a period of 99 years, on islands, flats and submerged lands heretofore granted by the State of Texas, or the Republic of Texas, to such cities, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but Senate Committee Substitute Bill, hereto attached, do pass in lieu thereof, and be not printed.

SMALL, Chairman.

C. S. H. B. No. 608,

#### A BILL

#### To Be Entitled

An Act granting to cities located in any county in this State of less than one hundred thousand inhabitants according to the last United States census, and which county contains a city of more than forty-three thousand inhabitants according to said census, the right to execute leases not to exceed a period of ninety-nine years, on islands, flats and other submerged lands heretofore granted by the State of Texas, or the Republic of Texas to such cities, and providing that no provision shall ever be incorporated in any such lease restricting the right of the lessee to construct, establish, maintain, equip and operate docks, wharves, ferries, ferry landings, loading and unloading devices and shipping facilities and to demand and receive compensation for services furnished for private purposes or otherwise, and that every such lease shall specify the

purposes for which the same is made and provide a maximum period of five years within which the lessee shall exercise the rights and privileges granted, and reserving portions of any such island, flats or other submerged lands abutting and extending for a distance of two thousand feet along existing navigable channels and extending back from said channel fifteen hundred feet from the point of mean low tide, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any and every city located in any county of this State of less than one hundred thousand inhabitants, according to the last United States census, and which county contains a city of more than forty-three thousand inhabitants according to said census, to which the State of Texas or Republic of Texas shall heretofore have granted any island, flat or other submerged lands be, and are hereby granted power and authority to execute leases for periods of time not to exceed ninety-nine years for portions of such grants other than tracts reserved in Section 4 of this Act, as may from time to time be determined by such respective cities to which grants have heretofore been made; provided, however, that any and all such leases shall first be approved by a majority of the county commissioners' court of the county wherein such property is situated.

Sec. 2. No provision shall ever be incorporated in any such lease restricting the right of the lessee to construct, establish, maintain, equip and operate docks, wharves, ferries, ferry landings, loading and unloading devices and shipping facilities and to demand and receive compensation for services furnished for private purposes or otherwise.

Sec. 3. Every such lease shall specify the purposes for which the same is made and provide a maximum period of five years within which the lessee shall exercise the rights and privileges granted.

Sec. 4. That there is reserved from this grant portions of any such island, flats or other submerged lands abutting and extending for a distance of two thousand feet along existing navigable channels

now maintained by the United States government, and extending back from such channels at the point of mean low tide for a distance of fifteen hundred feet, to be selected and laid out by such respective cities.

Sec. 5. The public importance of the purposes herein contemplated creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read upon three several days in each House, and the said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 533, A bill to be entitled "An Act granting permission to Maud Reichaw and Mrs. C. Olson to sue the State of Texas in the District Court of Travis County, to determine the State's liability, if any, and the amount thereof, if any such liability exists, for personal injuries to the said Maud Reichaw; and for damages to the automobile operated by her, and the use of said automobile, on or about the 31st day of December, 1924, while the said Maud Reichaw was driving said automobile in the city of Austin; providing for the procedure and rules of evidence of said suit, and making appropriation to pay any judgment that might be obtained in said suit, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Hornsby. S. B. No. 533.

A BILL

To Be Entitled

An Act granting permission to Maud Reichaw and Mrs. C. Olson to sue the State of Texas in the District Court of Travis County, to determine the State's liability, if any, and the amount thereof, if any such liability exists, for personal injuries to the said Maud Reichaw; and for damages to the

automobile operated by her, and the use of said automobile, on or about the 31st day of December, 1924, while the said Maud Reichaw was driving said automobile in the city of Austin; providing for the procedure and rules of evidence of said suit, and making appropriation to pay any judgment that might be obtained in said suit, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Permission is hereby granted to Maud Reichaw and Mrs. C. Olson of Austin, Texas, to sue the State of Texas in the District Court of Travis County, to determine the State's liability, if any, and the amount of damages, if any such liability exists, for personal injuries to the said Maud Reichaw and for damages to the automobile operated by her, and the use of said automobile, on or about the 31st day of December, 1924, while the said Maud Reichaw was driving said automobile upon the streets of Austin, Travis County, Texas.

Sec. 2. The suit shall be tried under the procedure and rules of evidence provided by the laws of this State in other similar cases. The sum of Fifteen Hundred Dollars is hereby appropriated out of the State Treasury, or the sum or so much thereof as may be necessary to be used for the purpose of paying any judgment that may be obtained in said suit.

Sec. 3. The fact that permission is necessary in order to sue the State of Texas, and the further fact that permission to sue the State should be given as soon as possible in order that the liability of the State, if any, may be determined in a judicial proceeding as soon as possible, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 20, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 562, A bill to be entitled "An Act making an appropriation to compensate John W. Hornsby for legal services rendered the State of Texas in the case of the State of Texas vs. Hoffman Construction Company, No. 42197, in the District Court of Travis County, Fifty-third Judicial District, in which case judgment was obtained for the State against the defendant for the sum of \$412,000.00 and costs of suit; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

POLLARD, Chairman.

By Senators Small, S. B. No. 562. Gaines, Moore, Parrish, Westbrook, Hyer, Williamson, Russek, Patton, Hardin, Cousins, Cunningham, Love, Woodward, Greer, Berkeley, Holbrook, Stevenson, Beck, Pollard, Martin, Parr, Wirtz, Woodul.

#### A BILL

##### To Be Entitled

An Act making an appropriation to compensate John W. Hornsby for legal services, together with interest on the amount due, said services having been rendered the State of Texas in the case of State of Texas vs. Hoffman Construction Company, No. 42197 in the District Court of Travis County, 53rd Judicial District, in which case judgment was obtained for the State against the defendant for the sum of \$412,000.00 and costs of suit; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of the State Treasury, the sum of \$10,000.00, with 6% interest from December 6, 1926, to compensate John W. Hornsby for legal services rendered the State of Texas in the case of the State of Texas versus Hoffman Construction Company, No. 42197, in the District Court of Travis County, 53rd Judicial District, wherein judgment was recovered and collected in the sum of \$412,000.00, the said John W. Hornsby having been county attorney at the time of said suit and having joined in the suit as such county attorney for the State of Texas, and

rendered legal services by actively participating in the trial of said suit from beginning to final judgment.

Sec. 2. The fact that the State of Texas recovered judgment in the above mentioned case for a very large sum of money and the said John W. Hornsby was county attorney at the time and joined in the suit as such at the request of Honorable Dan Moody, Attorney General of Texas, together with the further fact that the laws of this State allow County Attorneys 10% on the first \$1,000.00 and 5% on all monies over that sum collected for the State of Texas by suit or otherwise, and whereas, the State of Texas under the law based on such percentages owes the said John W. Hornsby a sum exceeding twice as much as the amount herein appropriated, and whereas, the said John W. Hornsby has received no compensation whatever for his services in said case, therefore an emergency and an imperative public necessity are created for the suspension of the constitutional rule requiring bills to be read on three several days in each House and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended and it is so enacted.

#### THIRTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,

Thursday, Feb. 21, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.